

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present: Tom Boyajian	Councilmember (Arrived shortly thereafter)
Brian Calhoun	Councilmember
Jerry Duncan	Councilmember
Henry Perea	Councilmember
Cynthia Sterling	Councilmember
Larry Westerlund	Councilmember
Mike Dages	Council President

Andy Souza, City Manager  
Hilda Cantu Montoy, City Attorney  
Becky Klisch, City Clerk  
Cindy Bruer, Deputy City Clerk

Pastor Mike Chastain gave the invocation and Council President Dages led the Pledge of Allegiance.

#### PRESENTATION OF AN APPRECIATION AWARD TO PUBLIC WORKS EMPLOYEE MARCIE WILLIAMS

Public Works Director Healey, Assistant City Manager Ruiz and several Councilmembers commended Grant Writer Williams for securing several grants for the City.

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#### **APPROVE MINUTES OF AUGUST 16, 2005**

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, RESOLVED, the minutes of August 16, 2005, approved as corrected, (1) Page 146-28, second paragraph from the bottom, the portion of the minutes "Councilmember Westerlund stated it was unfortunate this discussion was occurring" be omitted in its entirety and (2) Page 146-29, second paragraph, the word "pre-decided," should be replaced with "decided without real give and take".

Council President Dages questioned whether the Council minutes were recorded with City Clerk Klisch responding. Councilmember Calhoun requested the Clerk's Office listen to the tape and if it was summarized properly the minutes should remain as is and if it was incorrect, then amend the minutes, and concluded by stating the minutes should not be changed because a person wishes to retract a statement.

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#### **COUNCILMEMBERS REPORTS AND COMMENTS**

##### COMMENDATION TO THE FRESNO POLICE DEPARTMENT FOR CAPTURING THE SERIAL BANDITS – COUNCILMEMBER DUNCAN

Councilmember Duncan commended the Police Department for performing outstanding police work in apprehending the two serial mini-mart bandits in Tulare County.

##### UPDATE ON VARIOUS ACTIVITIES THAT OCCURRED IN DISTRICT THREE OVER THE WEEKEND – COUNCILMEMBER STERLING

Councilmember Sterling stated she did not get a chance to attend all the events that occurred in District 3 last weekend but commended the Hinton Center, NAACP Healthy Living Fair, noting the event was highly successful, and also thanked the teachers union who participated in the neighborhood clean-up at Carver Elementary and noted that on Sunday, District 3 residents were at Fire Department Station No. 3 along with the Community Medical Burn Center and with the collaboration of the Fire Department Burn Unit, a contribution of \$500,000 was made.

##### PINEDALE SPECIFIC PLAN – COUNCILMEMBER CALHOUN

Councilmember Calhoun stated the Planning and Development Department has been working with the residents of Pinedale on a Specific Community Plan and stated there was one outstanding issue with a business person who has filed a plan amendment and requested the Development Director allow the applicant to pursue the project along Ingram Avenue and to bring it forward during the next Trimester Plan Amendments.

#### COMMENDATION TO FRESNO METROPOLITAN MUSEUM – COUNCILMEMBER CALHOUN

Councilmember Calhoun stated there was an open house at the museum last weekend and noted all the exhibits were removed from the building to begin the major reconstruction.

#### COMMENDATION TO THE MADDY INSTITUTE AT CALIFORNIA STATE UNIVERSITY FRESNO – COUNCILMEMBER CALHOUN

Councilmember Calhoun stated he attended a function at the Maddy Institute at Fresno State which raises money for students who are interested in getting involved in the legislation process and noted the next function will be in October and encouraged people to attend.

#### TRAFFIC AND THE NEW SCHOOL YEAR – COUNCILMEMBER WESTERLUND

Councilmember Westerlund wanted to remind the community that schools are now open and to slow down when driving near schools and encouraged people to volunteer as a crossing guard. He also thanked the Police Department for patrolling the various schools in District 4.

#### INTRODUCTION OF NEW PERSONNEL SERVICES DIRECTOR – CITY MANAGER SOUZA

City Manager Souza introduced the new Personnel Services Director, Terry Bond.

#### APPOINT COMMITTEE TO EVALUATE THE PERFORMANCE OF THE CITY CLERK

Council President Dages recommended forming a committee to evaluate the performance and the salary of the City Clerk and recommended appointing Councilmember Westerlund as Chairman. Councilmember Calhoun stated in the past evaluations were discussed in closed session and from that a recommendation was made in public and expressed concern with seizing the closed session portion. Councilmember Westerlund stated the committee would make recommendations to the Council and Council would then have an opportunity to provide input and would come to some terms appropriately. Extensive discussion ensued regarding one person making the recommendation with City Attorney Montoy stating salaries cannot be discussed in closed session and she would provide Council with a detailed memo outlining the parameters for the purpose of making the process easier. With Council consensus, Councilmember Calhoun was appointed as the second member on the evaluation committee.

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#### **APPROVE AGENDA**

#### **(10:30 A.M.) QUARTERLY REPORT ON THE PROGRESS OF THE WEST FRESNO WORKGROUP ON IMPLEMENTING THE RECOMMENDATION OF THE WEST FRESNO COMMUNITY VISION PLAN – COUNCILMEMBER STERLING**

Councilmember Sterling requested the above listed item be continued to August 30, 2005, in order for Council to have sufficient time to review the recommendations. With Council consensus the item was continued and will be placed under General Administration.

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#### **(10:00 A.M.#1) HEARING TO CONSIDER COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 102, FINAL TRACT MAP NO. 5458 – PUBLIC WORKS DEPT.**

Continued to August 30, 2005 @ 10:35 a.m. #2.

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#### **(10:00 A.M.#2) HEARING TO CONSIDER COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 103, FINAL TRACT MAP NO. 5248 – PUBLIC WORKS DEPT.**

Continued to August 30, 2005 @ 10:35 a.m. #3.

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#### **(10:00 A.M.#3) HEARING TO CONSIDER COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 100, FINAL TRACT MAP NO. 5235 – PUBLIC WORKS DEPT.**

Continued to August 30, 2005 @ 10:35 a.m. #4.

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**10:00 A.M.#4 HEARING TO CONSIDER COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 101, FINAL TRACT MAP NO. 5325 – PUBLIC WORKS**

Continued to August 30, 2005 @ 10:35 a.m. #5.

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**10:35 A.M. HEARING TO AMEND MFS RESOLUTION NO. 80-420 INCREASING THE UGM PARK, POLICE AND FIRE IMPACT FEES IN THE UGM AREAS AND CREATING A CITYWIDE PUBLIC FACILITIES IMPACT FEE – PUBLIC WORKS DEPT.**

**A. \* RESOLUTION – 433<sup>RD</sup> AMENDMENT TO MFS RESOLUTION NO. 80-420 INCREASING THE UGM PARK, POLICE, AND FIRE IMPACT FEES IN THE UGM AREAS AND CREATING A CITYWIDE PUBLIC FACILITIES IMPACT FEE**

Continued to August 30, 2005 @ 2:30 p.m.

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On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the **AGENDA** hereby approved, as modified, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westlund, Dages
Noes :	None
Absent :	None

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**ADOPT CONSENT CALENDAR:**

**(1-A) RESOLUTION NO. 2005-353 - ESTABLISHING DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM GOALS FOR 2005-2006 IN U.S. DEPARTMENT OF TRANSPORTATION (DOT) ASSISTED PROJECTS/CONTRACTS FOR THE FEDERAL HIGHWAY ADMINISTRATION (FHWA), FEDERAL AVIATION ADMINISTRATION (FAA), AND FEDERAL TRANSIT ADMINISTRATION (FTA) – GENERAL SERVICES DEPT.**

Gloria Torrez, Fresno CA, stated each consent calendar item needed to be discussed and voted upon separately with Council President Dages stating Council opened the consent calendar up to the public and this was her chance to speak on any item. Ms. Torrez expressed concern with items on the agenda having no material to review, and with the above listed item and stated the staff report was incomplete. Council President Dages questioned whether citizens could obtain copies of agenda items with City Clerk Klisch responding. Ms. Torrez added the following statement: "It is estimated that the City will receive \$101,459,700 in federal funding for 2005-2006 without any revisions to the program. Ms. Torrez believes that Fresno Area Express will continue to be underfunded."

**(1-C) AWARD A ONE YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS IN THE AMOUNT OF \$135,959.90 TO FARMORE MANUFACTURING OF FRESNO FOR BUTTERFLY VALVES, GATE VALVES AND CHECK VALVES**

**(1-D) AWARD A CONTRACT IN THE AMOUNT OF \$5,030,319 FOR THE BASE BID ONLY TO GRANITE CONSTRUCTION COMPANY OF WATSONVILLE, CA. FOR THE RECONSTRUCTION OF TAXIWAYS B6, B10, B12, C12 AND REMOVAL OF B9 AT THE FRESNO YOSEMITE INTERNATIONAL AIRPORT**

**(1-E) AUTHORIZE THE PURCHASE OF NOISE-IMPACTED PROPERTY CONTIGUOUS TO FRESNO YOSEMITE INTERNATIONAL AIRPORT WITH FEDERAL MONIES IN THE AMOUNT OF \$600,000 (PROPERTY LOCATED AT 4831 E. SHIELDS AVENUE); AND AUTHORIZE THE DIRECTOR OF AVIATION, ON BEHALF OF THE CITY, TO COMPLETE ALL ASSOCIATED NEGOTIATIONS AND EXECUTE ALL NECESSARY OR USEFUL INSTRUMENTS TO BRING ABOUT THE ACQUISITION AND THE RELOCATIONS**

**(1-F) RESOLUTION NO. 2005-354 – AUTHORIZING ACCEPTANCE OF THE CALIFORNIA KID'S PLATES MINI-GRANT OF \$6,000 FROM THE SAN DIEGO STATE UNIVERSITY RESEARCH FOUNDATION AND AUTHORIZING COMPLETION OF RELATED DOCUMENTS**

**1. \* RESOLUTION NO. 2005-355 – 14TH AMENDMENT TO AAR NO. 2005-286 APPROPRIATING \$6,000 IN GRANT FUNDS TO THE FRESNO POLICE DEPARTMENT FOR THE CALIFORNIA KIDS' PLATES PROGRAM**

**(1-G) \* BILL NO. B- 85 – ORDINANCE NO. 2005-89 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO FRESNO POLICE DEPARTMENT ROTATION TOW PROGRAM**

**1. \* BILL NO. B- 86 – ORDINANCE NO. 2005-90 – GRANTING TO CERTAIN TOWING OPERATORS A NON-EXCLUSIVE FRANCHISE TO PARTICIPATE IN THE FRESNO POLICE DEPARTMENT'S TOW CAR ROTATION LIST**

APPEARANCE BY JOSE LUIS BARRAZA, 4243 E. THOMAS, ON BEHALF OF THE HOUSING PARTNERSHIP FOR THE DISABLED **(NOT ON THE AGENDA)**

Mr. Barraza expressed concern with apartments being converted to condominiums, and stated there was a shortage of housing for the lower income families in southeast and southwest Fresno. He also stated the issue would be discussed at the Housing Summit in October and invited Council to attend.

Council President Dages expressed his support for the conversion of apartments to condominiums because it provided an opportunity for lower income families to own their own home and stated he had not received any complaints from his district. Councilmember Sterling stated her district did not have enough housing and single family homes and invited Mr. Barraza to meet with her to discuss the matter at length.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None

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**(2:30 P.M.) PUBLIC COMMENT PERIOD - SCHEDULED COMMUNICATION:**

**UNSCHEDULED COMMUNICATION:**

APPEARANCE BY GLORIA TORREZ REGARDING FIRST AMENDMENT RIGHTS

Gloria Torrez, Fresno CA reiterated her prior concerns and stated everyone's first amendment rights and the Brown Act needed to be addressed and individuals should not be dictated as to what they can and cannot say.

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DEVELOPER FEES – COUNCILMEMBER CALHOUN

Councilmember Calhoun stated Council instructed staff to bring back the developer fees item by the middle of August , and expressed concern with the item being listed on the August 23rd agenda but continued to August 30<sup>th</sup>. Councilmember Calhoun stated the issue was complex and recommended bringing forth just the Parks fees for now and stated Police and Fire fees could be discussed at a later time. **(2-0)** Councilmember Calhoun requested the developer fees item be placed on the August 30<sup>th</sup> agenda and if there were any more delays he instructed the City Clerk to place on the agenda, a resolution establishing a moratorium on building, but noted he would pull the item if the developer fees were scheduled for discussion next week.

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**(9:05 A.M.) ADOPTION OF AGREEMENTS AUTHORIZING ACTIONS NECESSARY TO ESTABLISH INTERNATIONAL AIR SERVICE AT FRESNO YOSEMITE INTERNATIONAL AIRPORT BY MEXICANA AIRLINES**  
**A. RESOLUTION NO. 2005-356 – RELATING TO AUTHORIZATIONS NECESSARY FOR MEXICANA AIRLINES TO ESTABLISH INTERNATIONAL AIR SERVICE AT FRESNO YOSEMITE INTERNATIONAL AIRPORT**

Aviation Director Widmar gave an extensive review of the key terms of the business portion with Mexicana Airlines and noted the opening date for the Federal Inspection Station was approximately April 1, 2006, and requested Council approve the contract. Mr. Widmar introduced Fabricio Cojuc W., M.A.A., Executive Vice President of the Alliances and Industry Affairs for Mexicana Airlines, who expressed his appreciation for the welcome and support they have received from the City, and reaffirmed their long-term commitment to a successful partnership with Fresno.

A motion to approve was voted upon after further discussion.

Councilmember Perea commended the efforts of all involved. Councilmember Westerlund stated he supported the partnership, but felt it was a calculated business risk, questioned the risk factor of the agricultural economy needing to be protected, and requested staff and Mexicana Airlines look into options of raising people's levels of consciousness.

Councilmember Boyajian questioned the contract being two-years, the deficit within those two years and the incentive if the contract was for a longer period of time with Mr. Widmar responding. Extensive discussion ensued regarding the economic impact and the impact on the airport. Mr. Widmar stated the compliments received by Council were appreciated, but wanted to express his gratitude to the other Airport employees who participated in moving the project forward.

On motion of Councilmember Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, a two-year contract with Mexicana; an Incentive Program for scheduled international air service for Fresno Yosemite International; a project to fund, design, construct, furnish and completely equip the required Federal Inspection Station (FAS) at Fresno Yosemite International; a two-year contract with US Customs and Border Protection Service (CBP) to staff and operate the FIS, with the Airports Department reimbursing all CBP costs and expenses; a Compliance Agreement with the Animal and Plant Health Inspection Service (APHIS) of the US Department of Agriculture obligating the Department to comply with APHIS' requirements for the handling and disposal of international originating garbage hereby approved; and Resolution No. 2005-356 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
Noes : None  
Absent : None

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**BREAK - 9:46 a.m. – 9:52 a.m.**

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**(9:30 A.M.) PRESENTATION BY DR. GARY MANROSS REGARDING "MEASURE C, COMMUNITY/VOTER SURVEY" - CITY MANAGER'S OFFICE**

Interim Assistant City Manager Rudd stated there had been a series of on-going meetings regarding the extension of Measure C and noted this was a good opportunity to bring people up to date on the status of Measure C since the Council meeting was televised.

Dr. Gary Manross stated the study was scientific and involved 1,003 people who were surveyed that included two categories, high propensity voters and the community at large voters who were selected by Random Digital Dial (RDD). Mr. Manross stated the survey was very accurate with a sample error of 2.3 to 3.2%; stated if Measure C went to ballot at the present time, there would be a 67% voter support and added that in 2002 there was 56% support. Extensive discussion ensued regarding causal model, the driving force for support of Measure C, a review of spending priorities, arguments, the need for a sunset clause and a review of the levels of support in various districts.

Dr. Manross briefly reviewed the urban versus rural population, explained what drives the voting behavior and stated voters want a vibrant economy, as well as the need for clean air, public transportation and the need for the leverage of money and the importance of receiving matching funds. He stated the voters are concerned with fixing pot holes and maintaining streets, the importance of commercial vehicles getting agriculture products to the market, and the concern for transit service. **(3-0)** Dr. Manross concluded his presentation by briefly discussing bike trails and noted the existing tax base would not be increased with the extension of Measure C.

Speaking to the issue was Gloria Torrez, Fresno, CA who stated she would not support Measure C, and since the year 2002 Fresno Area Express has not received their Measure "C" funding. Ms. Torrez added the following statement: "It has gone to Calcot or for the free van pool for City and County employees. Ms. Torrez stated the study did not include everyone. It bypasses the voters and the voice of real bus riders is not addressed."

Councilmember Calhoun thanked Council of Governments (COG) for their reports and questioned if there was active opposition to Measure C, with Dr. Manross responding. Councilmember Calhoun expressed concern with the reports indicating the vote would be very close with Dr. Manross explaining the process of reaching the voting percentage and comparing the current figures with the 2000 election results.

Barbara Goodwin, COG, stated COG staff, COG Board and entire the Steering Committee were aware of the possibility for arguments against whether this measure will pass the two-thirds vote and stated COG was committed to moving forward in trying to present the best possible plan to bring to the voters.

Councilmember Duncan questioned the sample size and the strategy behind the study with Dr. Manross responding. Councilmember Duncan stated he has heard constituents saying Freeway 41 needed improvements and expressed concern with the freeway not being in the report, with Dr. Manross stating it is very important to have a tracking poll.

Councilmember Boyajian thanked several people who were involved in the process including Fresno County Supervisor Susan Anderson and Assemblyman Juan Arambula and expressed the importance of including what people want and people who care. Councilmember Perea left the meeting at 10:36 a.m. and returned at 10:43 a.m.

Council President Dages questioned the cost to the taxpayers for Measure C with Ms. Goodwin responding. Council President Dages stated the priority in his district was to repair potholes and noted the Oversight Committee was an excellent idea with CPA's on the committee rather than City officials. Brief discussion ensued regarding one of the priorities listed for Measure C as to allowing commercial vehicles to get agricultural products to the market. Ms. Goodwin noted the hiring of Dr. Manross also included putting the steering committee together as well as compiling the expenditure plan.

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(10:05 A.M.) APPROVAL OF THE FIRE PROTECTION SERVICES CONTRACT BETWEEN THE CITY OF FRESNO AND THE FIG GARDEN FIRE PROTECTION DISTRICT – FIRE DEPT.

1. \* **RESOLUTION NO. 2005-357** – 7TH AMENDMENT TO PAR NO. 2005-287 ADDING TEN (10) FIREFIGHTER POSITIONS TO THE DEPARTMENT BEGINNING OCTOBER 1, 2005 THROUGH JUNE 30, 2006

2. \* **RESOLUTION NO. 2005-358** – 15TH AMENDMENT TO AAR NO. 2005-286 APPROPRIATING \$425,000 TO THE FIRE DEPARTMENT TO OPERATE THE FIG GARDEN FIRE STATION

Fire Chief Bruegman reviewed the regionalization of services, the costs involved and the problem of receiving redundant calls when a county island was involved and the need to provide a one service delivery package, and requested Council approve the contract between the City and Fire Protection District. Chief Bruegman noted Fig Garden passed a special assessment to keep the fire station open for another ten years and after ten years the district would meet again to determine the cost of the fire station and have the residents vote again.

Speaking in support was Jim Reed, Boardmember of the Fig Garden Fire Protection District.

**(4-0)** Councilmember Perea commended the Fire Department and questioned what the next step would be with Chief Bruegman responding. Councilmember Perea stated it was very encouraging that the City and County were making moves to show they were committed to regionalization and consolidation of City and County services.

A motion to approve the contract was voted upon after discussion. Councilmember Duncan questioned the benefits to the residents with Chief Bruegman stating when there was a call for service at a county island there was always a duplication of service and also a one to two minute delay.

City Manager Souza stated the Fire Chief prepared a tray memo in response to an e-mail received earlier from Greg Alex, Public Information Officer for the CDF Firefighters Union who was not in support of the proposed contract. Chief Bruegman stated Mr. Alex's statements were incorrect and Council would be receiving a tray memo outlining his responses.

Councilmember Westerlund stated he supported the consolidation but questioned the cost to the City and the hiring of more firefighters with Chief Bruegman responding.

On motion of Councilmember Duncan, seconded by Council member Perea, duly carried, RESOLVED the contract between the City of Fresno and the Fig Garden Fire Protection District for the City to provide fire protection to the Fig Garden area hereby approved and the above entitled Resolution Nos. 2005-357 and 2005-358 hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

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(10:40 A.M.) HEARING TO CONSIDER REZONE APPLICATION NO. R-05-20 AND ENVIRONMENTAL FINDINGS, FILED BY JOHN ALLEN ON BEHALF OF IMAGE HOMES, PERTAINING TO 0.98 ACRE OF PROPERTY LOCATED ON THE WEST SIDE OF N. BRAWLEY AVENUE BETWEEN W. CALIMYRNA AND W. KADOTA AVENUES

**(PROPERTY LOCATED IN DISTRICT 2)**

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-04-20/TPM 2005-07, FINDING OF CONFORMITY TO MEIR NO. 10130 FOR THE 2025 FRESNO GENERAL PLAN

2. **BILL B-88 – ORDINANCE NO. 2005-91** - AMENDING THE OFFICIAL ZONE MAP TO REZONE 0.81 ACRE OF THE SUBJECT PROPERTY FROM THE AE-5/UGM (*EXCLUSIVE FIVE ACRE AGRICULTURAL/URBAN GROWTH MANAGEMENT*) ZONE DISTRICT AND 0.17 ACRE OF THE SUBJECT PROPERTY FROM R-A/UGM (*SINGLE FAMILY RESIDENTIAL AGRICULTURAL/URBAN GROWTH MANAGEMENT*) ZONE DISTRICT TO THE R-2/UGM (*LOW DENSITY MULTIPLE FAMILY RESIDENTIAL/URBAN GROWTH MANAGEMENT*) ZONE DISTRICT

President Dages announced the time had arrived to consider the matter and opened the hearing.

Planner Bernal briefly reviewed the staff report and recommended approval.

John Allen, representing Imaging Homes, spoke in support.

Upon call, no one else wished to be heard and Council President Dages closed the public hearing.

On motion of Councilmember Calhoun, seconded by Councilmember Perea, duly carried, RESOLVED, the environmental finding for Environmental Assessment No. R-05-20/TPM No. 2005-07, dated May 26, 2005, hereby approved, and the above entitled Bill No. B-88 adopted as Ordinance No. 2005-91, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

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**(10:50 A.M.) HEARING TO CONSIDER CONDITIONAL USE PERMIT APPLICATION NO. C-05-48 AND ENVIRONMENTAL FINDINGS, FILED BY SCOTT VINCENT ON BEHALF OF ASHWOOD CONSTRUCTION, PERTAINING TO APPROXIMATELY 6.54 ACRES OF PROPERTY LOCATED ON THE NORTHEAST CORNER OF W. PALO ALTO AND N. POLK AVENUES (PROPERTY LOCATED IN DISTRICT 2)**  
**1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. C-05-48, FINDING OF CONFORMITY TO MEIR NO. 10130 FOR THE 2025 FRESNO GENERAL PLAN**  
**2. RESOLUTION NO. 2005-359 – APPROVING CONDITIONAL USE PERMIT APPLICATION NO. C-05-48**

President Dages announced the time had arrived to consider the matter and opened the hearing.

Planner Chamberlain briefly reviewed the staff report and recommended approval.

Speaking in support was Dirk Poeschel, 923 Van Ness, on behalf of Mr. and Mrs. Anthony Lambe.

Upon call, no one else wished to be heard and Council President Dages closed the public hearing.

Councilmember Boyajian stated he would not support the project because there was no indication in CEQA that the conformity with the General Plan would justify finding the project as having no significant environmental effect.

Councilmember Calhoun stated District 2 was following the General Plan and requested when the project moves forward the gutter would be installed all the way to Herndon Avenue with Mr. Poeschel stating the issue had been discussed and agreed upon at the Planning Commission meeting.

On motion of Councilmember Calhoun, seconded by Councilmember Perea, duly carried, **RESOLVED**, the environmental finding for Environmental Assessment No. C-05-48, dated June 29, 2005, hereby approved, and the above entitled Resolution No. 2005-359 hereby adopted, by the following vote:

Ayes	:	Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	Boyajian
Absent	:	None

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**(11:00 A.M.) CONTINUED HEARING TO CONSIDER REZONE APPLICATION NO. R-04-64 AND ENVIRONMENTAL FINDINGS, FILED BY PAUL ATMAJIAN, PERTAINING TO APPROXIMATELY 8.7 ACRES OF PROPERTY LOCATED ON THE WEST SIDE OF S. MINNEWAWA AVENUE BETWEEN E. KINGS CANYON ROAD AND E. BUTLER AVENUE (PROPERTY LOCATED IN DISTRICT 5)**

**A. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-04-64/T-5387/C-04-170, FINDING OF CONFORMITY TO MEIR NO. 10130 FOR THE 2025 FRESNO GENERAL PLAN**

**B. BILL NO. B-89 – ORDINANCE NO. 2005-92 – AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM THE AL-20 (LIMITED AGRICULTURAL, 20-ACRE MINIMUM PARCEL SIZE, FRESNO COUNTY) ZONE DISTRICT TO THE R-1-C (SINGLE FAMILY RESIDENTIAL, MINIMUM 9,000 SQUARE FOOT LOT AREA) ZONE DISTRICT**

Council President Dages stated he requested the above project be postponed from last week in order to have an opportunity to talk to the applicant and Gary Gianetta, stated he did receive an explanation on the outlot, and made a motion to approve the project.

Councilmember Boyajian stated there needed to be a traffic study to find out the impact therefore would not support the project.

On motion of Council President Dages, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the environmental finding for Environmental Assessment No. R-04-64/T-5387/C-04-170, dated June 29, 2005, hereby approved, and the above entitled Bill No. B-89 adopted as Ordinance No. 2005-92, by the following vote:

Ayes	:	Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	Boyajian
Absent	:	None

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**(2A)** APPROVE AMENDMENTS TO FISCAL YEAR 1996, 1997, AND 2005 ANNUAL ACTION PLANS RE-APPROPRIATING \$173,900 OF CDBG FUNDS FROM THE CLOSED-OUT NEIGHBORHOOD REVITALIZATION PROGRAM TO A SERVICE CENTER PRE-DEVELOPMENT PROJECT LOCATED IN SOUTHWEST FRESNO TO BE CARRIED OUT BY WEST FRESNO HEALTH CARE COALITION

**1. \* RESOLUTION NO. 2005-360** – 17<sup>TH</sup> AMENDMENT TO AAR NO. 2005-286 APPROPRIATING \$173,900 OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FROM THE CLOSED-OUT NEIGHBORHOOD REVITALIZATION PROGRAM TO A SERVICE CENTER PRE-DEVELOPMENT PROJECT LOCATED IN SOUTHWEST FRESNO

Management Analyst Smith gave a brief overview of the staff report and recommended approval.

Councilmember Sterling stated her major concern was the establishment of a service center be included in the west Fresno area with the reallocation of CDBG funds, and thanked Management Analyst Zieba for assisting in the matter.

**(5-0)** Councilmember Westerlund requested a report be made available to Council indicating when CDBG projects are moved forward as well as seized, and also where the City has CDBG funds, adding there might be a need to reallocate some of the funds.

On motion of Councilmember Sterling, seconded by Council President Dages, duly carried, RESOLVED, the amendment to the FY 1996, 1997 and 2005 Annual Action Plans reallocating \$173,900 of CDBG funding previously appropriated to the closed-out Neighborhood Revitalization Program (NRP) and reallocation of the CDBG funds for the pre-development of a Service Center Project in southwest Fresno to be carried out by the West Fresno Health Care Coalition hereby approved, and the above entitled Resolution No. 2005-360 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None

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**(2B) BILL NO. B-90** - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO THE STORAGE OF SAFE AND SANE FIREWORKS

Deputy Fire Chief Donis briefly reviewed the staff report, and stated what was presently in the Municipal Code was very restrictive as it restricts explosives only and the amendment would allow the storage of safe and sane fireworks in a larger facility.

Councilmember Sterling stated several people have discussed their interest in the storage of fireworks with her office and stressed the amendment would bring in more business.

Councilmember Westerlund requested a definition of "H3 occupancy storage" with Ms. Donis responding. Brief discussion ensued regarding the protection systems required in the building and the size of the building with Ms. Donis stating she would provide Council with the information.

On motion of Councilmember Sterling, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitle Bill No. B-90 introduced before the City Council and laid over, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None

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**(3A)** DIRECT STAFF TO IDENTIFY AND PREPARE FOR COUNCIL CONSIDERATION THE ACTIONS AND DOCUMENTS NECESSARY TO CONVERT THE DESIGNATION OF FRESNO METROPOLITAN FLOOD CONTROL DISTRICT BASIN B-O FROM GROUNDWATER RECHARGE USES TO RECREATION USES – COUNCIL PRESIDENT DAGES

Council President Dages stated District 5 received a request to build a park in southeast Fresno with the applicant providing the funding for the conversion of a basin from a groundwater recharge to recreational uses.

Assistant Public Utilities Director Ramirez requested a meeting be set with Council President Dages' Office, and stated there was still potential use of the basin for recharge purposes and Public Utilities Dept. would like the opportunity to recommend some alternative basins that have no infrastructure on site, and elaborated.



Council President Dages stated he would pull the item in order for staff to meet with the applicant, Tom Richards, and Fresno Metropolitan Flood Control District and apologized for prematurely placing the item on the agenda.

**CONTESTED CONSENT CALENDAR:**

Councilmember Calhoun stated when he pulled the item for discussion he had not yet received a response from Planning and Development, but recently received an answer to his question. Mr. Calhoun stated the City has, in the past, matched Federal funds to sound proof buildings in the Airport area and he had concerns about building homes and at a later time asking the City to assist in the funding of soundproof them.

Speaking to the issue was Gary Mason, President of 2M Development, who reviewed portions of the noise study.

Councilmember Westerlund also thanked Mr. Mason for doing this project in District 4 and questioned whether the work was within the Airports Environs which requires any development come down to a certain decibel level as part of the planning process. Planning Manager Unruh stated the area was already zoned R-1 single family residential and noted the intention of the noise study was to assure the structures will be built to meet the current standards for noise abatement. Brief discussion ensued.

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
Noes : None  
Absent : None

#### A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

1. Case Name: City of Fresno v. Garfield Park Highlands, et al.
2. Case Name: County of Madera v. City of Fresno, et al.; (Fancher Creek Real Party in Interest)
3. Case Name: City of Fresno v. Madera County Board of Supervisors, et al.; and related cross actions

**(B) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE**

- The City Council met in closed session in Room 2125 at the hour of 2:13 p.m. to consider the above issues and adjourned thereafter.

There being no further business to bring before the Council, the hour of 3:15 p.m. having arrived and hearing no objections, President Dages declared the meeting adjourned.

**APPROVED** on the            day of August, 2005.

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Mike Dages, Council President

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Cindy Bruer, Deputy City Clerk

